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## U.S. Department of State

### Iraq Country Report on Human Rights Practices for 1998

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#### IRAQ \*

Political power in Iraq lies exclusively in a repressive one-party apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'ath Socialist Party (ABSP) governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the ABSP, wields decisive power. Saddam Hussein and his regime continued to refer to an October 1995, nondemocratic "referendum" on his presidency in which he received 99.96 percent of the vote. This "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote. Ethnically and linguistically, the Iraqi population includes Arabs, Kurds, Turkomen, Assyrians, Yazidis, and Armenians. Historically, the religious mix is likewise varied: Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), and Jews (most of whom have emigrated). Civil uprisings have occurred in recent years, especially in the north and the south. The Government has reacted against those who resist it with extreme repression. The judiciary is not independent, and the President can override any court decision.

The Government's security apparatus includes militias attached to the President, the Ba'ath Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces committed widespread, serious, and systematic human rights abuses.

The Government owns all major industries and controls most of the highly centralized economy, which

is based largely on oil production. The economy was damaged by the Iran-Iraq and Gulf Wars, and Iraq has been subjected to United Nations sanctions since its 1990 invasion of Kuwait. As a result, the economy has been stagnant. Sanctions ban all exports, except for oil sales under U.N. Security Council Resolutions (UNSCR's) 1153 and 1210 (the "oil-for-food" program), and allow imports, primarily food, medicine, and other humanitarian goods for essential civilian needs. The Government's failure to comply with U.N. Security Council resolutions has resulted in the maintenance of the sanctions. In March, the ceiling on Iraq's oil exports was raised to \$5.2 billion every 6 months and provision has been made for the import of approved spare parts to facilitate expansion of U.N.-controlled oil exports.

The Government continued to interfere routinely with the international community's provision of humanitarian assistance to the populace by placing a higher priority on importing industrial items than on food and medicine, diverting goods to benefit the regime, and restricting the work of U.N. personnel and relief workers. U.N. and European Union observers attribute the country's poor economic conditions to the Government's actions, not to the sanctions regime. In response to an increase in international humanitarian aid, the Government announced on June 6 that it would refuse to accept shipments of humanitarian aid from other governments and nongovernmental agencies (NGO's). The Government stated that it previously had accepted such aid only to effect contacts with organizations and nations that might support Iraq politically. Some humanitarian aid was allowed into the country after June, but only on a case-by-case basis and with clear political overtones. For example, aid from Kuwait, the United Arab Emirates, and Saudi Arabia was refused consistently. The Iraqi opposition reports that the Government ordered the confiscation of all agricultural crops in February in order to maintain its monopoly on the supply of food. Later, in what appeared to be a further attempt to strengthen political power by controlling food supplies, the Government imposed a tax on all imported goods.

There was no improvement in the Government's extremely poor human rights record. Citizens do not have the right to change their government. The Government continued to execute summarily perceived political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of an effort to clear out of the prisons anyone with a sentence of 15 to 20 years or more. The Government continued to kill and torture persons accused of economic crimes, military desertion, and a variety of other charges. Iraqi military operations continued to target Shi'a Arabs living in the southern marshes. Security forces routinely tortured detainees. Prison conditions are poor. The authorities routinely used arbitrary arrest and detention. The judiciary is not independent, the President can override any court decision, and the Government continues to deny citizens the right to due process. The Government continues to infringe on citizens' privacy rights. The Government has made use of civilians, including small children, as "human shields" against military attacks. The U.N. Special Rapporteur for Iraq confirmed in his September report that freedom of speech, the press, assembly, and association do not exist, except in some parts of the north under the control of Kurdish factions. The Government severely limits freedom of religion and movement. The Government prohibits the establishment of independent human rights organizations. Human rights abuse remained difficult to document because of the Government's efforts to conceal the facts, including its persistent refusal to grant visits to human rights monitors and continued restrictions designed to prevent dissent. Denied entry to Iraq, Max Van der Stoep, the Special Rapporteur for Iraq of the U.N. Commission on Human Rights, based his reports on the Government's human rights abuses on interviews with recent emigres from Iraq, interviews with opposition groups with contacts in Iraq, and other interviews, and on published reports. Violence against women occurs, and the Government discriminates against women. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts worker rights, and child labor persists.

The Kurdistan Workers' Party (PKK) committed numerous abuses against civilians in the north.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

The Government has a long record of executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all report a heightened number of summary executions in Iraq since 1997, assertions which are supported in detail by several sources in Iraq. The Special Rapporteur has stated that "the country is run through extrajudicial measures." The list of offenses requiring a mandatory death penalty has grown substantially in recent years and now includes anything that could be characterized as "sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Special Rapporteur also noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'ath Party. These killings occurred with total impunity and without due process.

The regime periodically eliminated large numbers of political detainees en masse. During the year the Special Rapporteur continued to receive reports referring to an execution campaign taking place in Abu Ghraib and Radwanayah prisons. Opposition groups alleged that all political prisoners with sentences of more than 15 to 20 years were subject to summary execution. Those few citizens able to protest the execution campaign have persisted in attempts to document the killings. Opposition groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Iraqi Communist Party (ICP), and the Iraqi National Congress (INC) provided detailed accounts of summary executions, including the names of hundreds of persons killed. In their joint statement in September, Iraqi Kurdish leaders pointed to the continuing reports of summary executions as evidence of Iraqi non-compliance with U.N. Security Council Resolution 688.

Specifically, sources in Iraq reported that 400 prisoners at Abu Ghraib prison were executed summarily in February, with 60 more killed in March and 62 in June. In March the Shi'a opposition reported that 60 Iraqis from al Nasiriyah province were executed. In April 100 detainees from Radwanayah Prison reportedly were taken to Ramadi province where they were buried alive in a pit. In May opposition sources released the names of 38 individuals who were executed summarily. Lists of more than 170 detainees executed between mid-December 1997 and July 1998 were provided to the Special Rapporteur. In July and August, 13 more summary executions reportedly took place.

In October the London-based Center for Human Rights of the Iraqi Communist Party reported the execution of 125 political prisoners held since the 1991 Gulf War in the Abu Ghraib prison. The group listed the names of the executed prisoners, including 3 Egyptians and 29 military officers and enlisted men, some in the elite Republican Guard and the air force. In November, 122 political prisoners reportedly were killed at Radwaniya and more than 150 in the southern city of Amara reportedly were ordered killed by Qusay Hussein (Saddam Hussein's son). A possible 39 more reportedly were killed in December in the city of Karbala. The opposition reports that an additional 81 political prisoners were killed in December at the Abu Ghraib prison and that the bodies of 15 of the victims were returned to their families. Along with the reported killings of 25 or more military officers during Operation Desert Fox, the total summary execution toll attributable to the regime for October through December amounted to nearly 500 persons.

Although international monitors still were refused entry to the prisons, an indication of their

extraordinarily overcrowded state came in May, when Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview in the weekly newspaper Nabath al Shabab that "the prisons are filled to five times their capacity and the situation is serious." After the interview, Sabah was dismissed from his post and the government-owned daily newspaper Babel reiterated the Government's long-standing claim that it holds virtually no prisoners, and that Sabah's statements had "undermined the national interest."

The Government's motive for so many summary executions--probably more than 2,000 to 3,000 since 1997--is not known. Some observers believe that it is simply a inhuman effort to clear out overcrowded prisons. Others (noting the abusive nature of some of the killings and that, in some cases, bodies are released to family members bearing clear signs of torture) believe that this is an attempt to intimidate anyone considering protesting against or working to change the present Government. There are persistent reports that Uday Hussein, Saddam Hussein's oldest son, has remained active in carrying out extrajudicial killings. As in previous years, there also were numerous credible reports that the regime executed persons allegedly involved in plotting against Saddam Hussein or the Ba'ath Party, including high-ranking civilian, military, and tribal leaders.

The Special Rapporteur also has received detailed information concerning what he has called "political killings," which he previously described as the preplanned killings of individuals carried out by government agents. In July the Special Rapporteur expressed concern about the killings of two internationally respected religious scholars, Grand Ayatollah Shaykh Mirza Ali al-Gharawi, age 68, and Ayatollah Shaykh Murtada al-Burujerdi, age 69, which he fears are part of a systematic attack by Iraqi officials on the independent leadership of Shi'a Muslims in Iraq (see Section 2.c.).

Economic crimes also may be punishable by death. In December 1997, four Jordanian students were executed for smuggling \$850 worth of car parts. In response to an inquiry from the Special Rapporteur, the Government replied that the four Jordanians had been tried in accordance with the Code of Criminal Procedure and that they had been sentenced to death on charges of smuggling spare parts, material, heavy equipment and machinery after it had been dismantled.

There continued to be reports of death due to poor prison conditions (see Section 1.c.). Many persons who were displaced forcibly still live in tent camps under harsh conditions, which results in many deaths (see Section 2.d.).

As in previous years, the regime continued to deny totally the widespread killings of Kurds in northern Iraq during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and Human Rights Watch have concluded that the Government's policies against the Kurds raise issues of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in northern Iraq. Throughout the year, elements of the PKK remained active there, reportedly killing local residents in an effort to control a territorial base.

#### b. Disappearance

The Special Rapporteur continued to receive reports of widespread disappearances. The Government continued to ignore the more than 15,000 cases conveyed to it in 1994 and 1995 by the U.N., as well as requests from the Governments of Kuwait and Saudi Arabia on the whereabouts of those missing from the 1990-91 occupation of Kuwait and from Iran on the whereabouts of POW's Iraq captured in the 1980-88 Iran-Iraq war.

The United Nations has documented over 16,000 cases of persons who have disappeared. According to the Special Rapporteur, most of these cases occurred during the Anfal Campaign. He estimates that the total number of Kurds who disappeared during Anfal could reach the tens of thousands. Human Rights Watch estimates the total at between 70,000 and 150,000, and Amnesty International (AI) at more than 100,000.

In a 1997 report, Amnesty International documented the repeated failure by the Government to respond to requests for information about persons who have disappeared. The report detailed unresolved cases dating from the early 1980's through the mid-1990's, particularly the disappearances of Aziz al-Sayyid Jassem, Sayyid Muhammad Sadeq Muhammad Ridha al-Qazwini, Mazin Abd al-Munim al-Samarra'i, the six al-Hashimi brothers, the four al-Sheibani brothers, and numerous persons of Iranian descent or of the Shi'a branch of Islam. The report concludes that few of these victims became targets of the regime for any crime; rather, they were arrested as "hostages" in order to force a relative who may have escaped abroad to surrender, because of their family link to a political opponent, or simply for their ethnic origin (also see Section 1.f.).

In other cases, individuals arrested or taken prisoner in specific circumstances have disappeared while in government custody. For example, the status of six members of the Assyrian community of Baghdad, arrested in October 1996, is unknown. Hundreds still are missing in the aftermath of the brief Iraqi military occupation of Irbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported regime campaign to "cleanse the prisons" (see Section 1.a.). Thirty-three members of the Yazidi community of Mosul, who were arrested in July 1996, are still unaccounted for.

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the arrest in 1991 of the late Grand Ayatollah Abdul Qasim Al-Khoei and of his associates. The Ayatollah died while under house arrest in Al-Najaf. Others arrested with him have not been accounted for, and the Government refuses to respond to queries regarding their status.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries detained during the Iraqi occupation of Kuwait. Government officials, including military leaders known to have been among the last to see the persons who disappeared during the occupation, have refused to respond to the hundreds of outstanding inquiries about the missing. Of 609 cases of missing Kuwaiti citizens under review by the Quadrilateral Commission on Gulf War Missing, only 2 have been resolved. The Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War. Iran reports that 5,000 Iranian prisoners of war (POW's) from the Iran-Iraq War are unaccounted for by Iraq.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the Government continued to hold thousands of other Iraqis in incommunicado detention (see Section 1.d.).

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, however, the security services routinely tortured detainees. to former detainees, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, burning with hot irons, suspension from rotating ceiling fans, dripping acid on the skin, rape, breaking of limbs, denial of food and water, and threats to rape or otherwise harm family members and relatives. The security forces killed many of their torture victims and mutilated their bodies before returning them to the victims' families. There are persistent reports that the families are

made to pay for the costs of the execution. Iraqi refugees arriving in Europe often reported instances of torture to receiving governments and displayed scars and mutilations to substantiate their claims. Amnesty International notes that Iraqi authorities have failed to investigate these reports.

The Special Rapporteur continued to receive reports that persons arrested routinely are subject to mistreatment including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur has expressed concern about cruel and unusual punishments prescribed by the law, including amputations and brandings. The government has argued in the past few years that these punishments have not been imposed. However, the Special Rapporteur received a report that indicated that amputations were reimposed as penalties in August. According to this report, Uday Hussein ordered six members of a commando unit accused of looting to be punished by having their hands amputated. An army deserter also involved in the alleged banditry was ordered to be punished in a similar way.

The Special Rapporteur, human rights organizations, and opposition groups continued to receive numerous reports of women suffering severe psychological trauma after they were raped while in custody. The security forces allegedly raped women captured during the Anfal Campaign and during the occupation of Kuwait. The Government has never acknowledged these reports of rape or conducted any investigation. The Government reportedly took no action against those who committed this abuse.

Prison conditions are poor. Overcrowding is a serious problem. According to the Labor and Social Affairs Minister, prisons hold five times their designed capacity (see Section 1.a.). Certain prisons are notorious for routine mistreatment of prisoners. Abu Ghraib prison west of Baghdad may hold as many as 15,000 persons, many of whom reportedly are subjected to torture. Al-Rashidiya prison, on the Tigris River north of Taji, reportedly has torture chambers. The Al-Shamma'iyah prison, located in east Baghdad, holds the mentally ill and reportedly is the site of both torture and disappearances (also see Section 1.a.). The Radwaniyah detention center is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions. This prison was the principal detention center for persons arrested following the civil uprisings of 1991. Human Rights Watch and others have estimated that Radwaniyah holds more than 5,000 detainees; Iraqi opposition groups state that the prison is located within a "presidential" compound; the regime prevents inspections of such facilities by the U.N. Special Commission charged with eliminating Iraqi weapons of mass destruction.

The Special Rapporteur received a report in May that indicated that hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin who had disappeared in the early 1980's during the Iran-Iraq war are being held incommunicado at the Abu Ghraib prison. According to the report, these persons have been detained for 17 to 18 years in extremely harsh conditions without specific charges or trials. The report alleged that many of these detainees had been used as experimental subjects in Iraq's outlawed chemical and biological weapons programs.

Reports of deaths due to poor conditions in prisons and detention facilities also continued during the year. According to the U.N. Special Rapporteur, many prisoners in Amarah province were reportedly near death because of lack of adequate food and health care. The Iraqi Communist Party reported that 17 prisoners died at Abu Ghraib prison in November after blood was drawn from them forcibly, despite their malnourishment and weakened physical state.

The Government does not permit prison visits by human rights monitors.

There were no details on the condition of prisoners in northern Iraq. Iraqi Kurdish regional officials reported that prisons in the three northern provinces were open for inspection by the International

Committee for the Red Cross (ICRC) and other international monitors. Throughout the year, as part of their reconciliation effort, the regional officials reported the release of political prisoners.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north (see Section 5).

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution and the Legal Code explicitly prohibit arbitrary arrest and detention, however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts.

The military and security services, rather than the ordinary police, carried out most cases of arbitrary arrest and detention. During the year, security forces reportedly arrested hundreds of persons perceived as security threats, mainly on the basis of an individual's personal association or family connection with opponents of the Government. The Special Rapporteur received three lists of 172 detainees whose cases were processed by the Public Security Directorate of Ta'mim (Kirkuk) during the year, on charges of spying, belonging to the opposition, criticizing the Government, smuggling food items, stealing, forging documents (passports), and fleeing the country or to northern Iraq. Sometimes those arrested reportedly were killed while in custody (see Section 1.a.). In the large-scale assaults against Shi'a reported by several sources in September (see Section 1.g.), an estimated 20,000 persons reportedly were detained arbitrarily detained and trucked to tent-camp holding facilities in the desert region of al Rifa'i about 60 miles (100 kilometers) north of the marshes in southern Iraq.

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remain in detention.

There were also reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others. The Special Rapporteur notes that "guilt by association" is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, relatives who did not report deserters could lose their ration cards for purchasing government-controlled food supplies or be evicted from their residences. Amnesty International reported in October 1997 that relatives often do not inquire about the whereabouts of arrested family members due to fear of being arrested themselves.

In the fall, the Special Security Office reportedly stepped up efforts to intimidate the relatives of Iraqi opposition members. Relatives of expatriates suspected of sympathizing with the opposition were arrested and interrogated. Many were forced to call their relatives outside the country to warn that if they became active in opposition political activities the callers and other family members could be harmed. Middle school students with expatriate relatives suspected of opposition sympathies reportedly were denied entry to universities systematically.

The Government reportedly continued to target Shi'a Muslim clergy and their supporters for arbitrary arrest and other abuses. It also reportedly continued forcibly to move Shi'a populations from the south to the north, and other minority groups such as Assyrians and Turkomen from the north to government-controlled territory (also see Sections 1.f., 2.d., and 5).

Although no statistics are available, observers estimate the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

The Government is not known to practice forced exile. However, 1 to 2 million self-exiled citizens are fearful of returning to Iraq.

#### e. Denial of Fair Public Trial

The judiciary is not independent, and there is no check on the President's power to override any court decision. The Special Rapporteur and international human rights groups all observed during the year that the repressive nature of the political and legal systems precludes any concept of rule of law. Numerous laws lend themselves to continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation with the regime.

There are two parallel judicial systems: The regular courts, which try common criminal offenses, and the special security courts, which generally try national security cases but also may try criminal cases. There is a Court of Appeal and the Court of Cassation, which is the highest court.

Procedures in the regular courts theoretically provide for many protections. However, the regime often assigns to the security courts cases which, on their merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The Government shields certain groups from prosecution for alleged crimes. A 1992 decree grants immunity from prosecution to members of the Ba'ath Party and the security forces who kill anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials. Nevertheless, Saddam Hussein's personal decree clearly supersedes any legal proceedings--including those designed to shield his family. A 1990 decree grants immunity to men who commit "honor crimes," i.e., killing female family members for a perceived lack of chastity.

Special security courts have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often serve as the basis for conviction. There are reports that individuals who have cooperated with U.N. weapons inspectors have been subjected to secret trials.

Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that apparently suits his political goals. There are no Shari'a, or Islamic law, courts as such. Regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Because the Government rarely acknowledges arrests or imprisonments and families are afraid to talk about arrests, it is difficult to estimate the number of political prisoners. Many of the tens of thousands of persons who have disappeared or been killed in recent years originally were held as political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities virtually are exempt from the legal requirement to obtain search warrants. The authorities frequently conduct searches without warrants. The regime routinely ignored constitutional provisions safeguarding the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jammed news broadcasts from outside Iraq, including those of opposition groups.

In Kirkuk the regime periodically sealed off whole districts and conducted day-long, house to house searches, evidently as part of its campaign to harass and expel ethnic Kurds and Turkomen from the city (see Section 2.d.). Government forces met with resistance in August when 300 more Kurds were ordered expelled from Kirkuk province. Two civilians reportedly were killed in the clashes.

In July Ba'ath Party organizers reportedly ordered citizens to display decorations and pictures of Saddam Hussein in celebration of the 1968 coup that brought the Ba'ath Party to power, and threatened to confiscate the food ration cards of those who did not comply.

The security services and the Ba'ath Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public. For example, the Special Rapporteur reported that an operator was arrested and executed in 1993 for having warned a person not to use a wiretapped telephone line. The authorities also hold family members and close associates responsible for the alleged actions of others (see Sections 1.b. and 1.d.). Government officials also may take children from minority groups hostage in order to intimidate their families to leave their home regions (see Sections 1.d., 2.d., and 5).

#### g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

As in previous years, the armed forces conducted deliberate artillery attacks against Shi'a civilians and large-scale burning operations in the southern marshes. In 1991 and 1992, the Gulf War allies imposed "no-fly zones" over northern and southern Iraq respectively. The no-fly zones continued to deter aerial attacks against the marsh dwellers in southern Iraq and residents of northern Iraq, limiting the Government to ground-based assaults.

Military operations against Shi'a civilians, particularly in southern Iraq, continued throughout the year, increasing in the summer after the killings of Ayatollah Ali al Gharawi and Shaykh Borojourni (see Section 1.a.). In January villages near Sayed Yoshi lake in Nasiriyah province were surrounded by government troops and bombarded with heavy artillery and mortars, the 14th Division bombarded fishermen in the Am al Ni'aj marsh in Amara province, and scores of villagers in the Am al Ghizlan area of Amara province were arrested and their crops were burned. In February the Government cut off food rations and attacked the al Fuhood district of Nasariyah province and the Hamyan, al Azair, and Nahr al Iz districts of Amara province, with dozens of civilians reportedly killed and hundreds arrested. In March the 11th Division bombarded many areas in Nasiriyah, and Ba'ath Party militia followed with sweeps against the Amarya tribe, which included incidents of looting. In May the Government launched a mass arrest campaign in the al Alam, al Dawara, and Nahr al Iz areas. In June Saddam Hussein's commandos attacked villages between Qala'at Salih and al Kahla in Amara province and arrested and tortured a Shi'a businessman in Amara as a pretext for confiscating his savings.

In July security services resumed arrest sweeps in the al Thawra district of Baghdad, rounding up young men, assaulting residents, and looting money and personal property. In August the Third Army Corps, in conjunction with Ba'ath Party officials led by Abdul Baqi al Sa'doon, conducted large-scale operations against settlements of the al Juwaisid, al Rahma, al Bu Salim, and Asakira tribes in Nasiriyah province; most of the inhabitants, including women, children, and the elderly, were forced to flee after dozens

were wounded in heavy artillery bombardments. In September security forces launched an attack on al Nibron village in the Rifa'ee District; the troops burned houses, confiscated land, and arrested entire families. In October government troops attacked villages in the Fuhood and I'gaga districts of Nasariyah province. In November security forces, the Third and Fourth Army Corps, and Ba'ath Party militia staged a 5-day assault, including heavy artillery bombardment, in the Bani Malik area and the al Suwaib district of Basra province, and widespread areas of Nasiriyah and Amara provinces, nearly to the Iranian border. Hundreds of persons reportedly were killed in late November in Amara, as part of a security sweep personally directed by Qusay Hussein.

In December, commandos arrested 39 persons in the aftermath of an alleged attempt in Karbala to kill Revolutionary Command Council Vice President Izzat al-Douri. Some sources in the opposition claimed that the attempt on al-Douri's life was staged in order to justify the crackdown. Others indicate that the 39 persons arrested were executed summarily.

During the year, the Government also continued its water-diversion and other projects in the south, continuing the process of large-scale environmental destruction. The Government claimed that the drainage is part of a land reclamation plan to increase the acreage of arable land, spur agricultural production, and reduce salt pollution in the Tigris and Euphrates rivers. However, the evidence of large-scale human and ecological destruction appears to belie this claim, and other credible reports confirmed the ongoing destruction of the marshes. The opposition group the Supreme Council of the Islamic Revolution in Iraq claimed to have obtained government documents describing its long-range plans to drain the marshes completely. The army continued to construct canals, causeways, and earthen berms to divert water from the wetlands. Hundreds of square kilometers have been burned in military operations. Moreover, the regime's diversion of supplies in the south limited the population's access to food, medicine, drinking water, and transportation.

According to the U.N. Special Rapporteur and opposition sources, thousands of persons in Nasseriya and Basrah provinces were denied rations which should have been supplied under UNSCR 986. In these provinces and in Amarah province, access to food allegedly is used to reward regime supporters and silence opponents. Shi'a opposition groups report that, due to this policy, the poor humanitarian condition of the Shi'a in the south continued despite a significant expansion of the U.N.'s "oil for food" program.

A multinational coalition continued enforcement of a "no-fly zone" to inhibit government aerial activity to repress citizens in northern Iraq. The Government continued to Arabize certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 1.d., 1.f., 2.d., and 5).

Until May 14, Iraqi citizens who had moved from the three northern governorates of Dohuk, Irbil, and Sulemaniyah to new domiciles in the center and south were not eligible to receive the rations provided under Security Council Resolution 986. Since May 14, the Special Rapporteur reports that these citizens reportedly are eligible to receive the food rations; however, he believes that the established registration procedure is discriminatory, as these citizens must prove that they have resided in the new location for at least 6 months.

Land mines in the north, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq War, but the army failed to clear them before it abandoned the area. The mines appear to have been planted haphazardly in civilian areas. Land mines are also a problem all along the Iraq-Iran border throughout central and southern Iraq, but there is no information on civilian casualties or the efforts, if any, to clear old minefields in areas under the central

Government's control. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Land Mines Protocol to protect civilians from the effects of mines. Various NGO's continued efforts to remove mines from the area and increase mine awareness among local residents. In December the Government declared that mine-clearing activity was subversive and ordered the NGO workers to leave Iraq.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the Iraqi regime--deliberate killing, torture, rape, pillage, hostage-taking, and associated acts--directly related to the Gulf War. Many governments continue to urge the U.N. Security Council to establish an international commission to study evidence of a broader range of war crimes, as well as crimes against humanity and possible genocide. Human Rights Watch (HRW) and other organizations have worked with various governments to bring a genocide case at the International Court of Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

In September the leaders of the two major Iraqi Kurdish parties, Massoud Barzani of the Kurdistan Democratic Party (KDP) and Jalal Talabani of the Patriotic Union of Kurdistan (PUK), met for the first time in several years. They agreed to increase their efforts to implement the 1996 Ankara Accords. This consolidated the cease-fire that the two parties established in November 1997.

The PKK also committed numerous abuses against civilians in the north throughout the year. Many villagers in Dohuk and Irbil provinces, particularly those from isolated areas, reportedly abandoned their homes and temporarily relocated to cities and larger towns to escape PKK attacks.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of speech and of the press, but also stipulates that "the State ensures the considerations necessary to exercise these liberties, in compliance with the revolutionary, national and progressive trend;" in practice, freedom of speech and of the press do not exist, and political dissent is not tolerated in areas under the Government's control. The Special Rapporteur noted that "the people live in a climate of fear in which whatever they or their family members may say or do, particularly in the area of politics, involves the risk of arrest and interrogation by the police or military intelligence."

The Government and the Ba'ath Party own all print and broadcast media and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed either domestically or abroad. According to the Special Rapporteur, journalists are under regular pressure to join the Ba'ath party and must follow the recommendations of the Iraqi Union of Journalists, headed by Uday Hussein. In July a journalist was arrested in Baghdad, possibly in connection with articles that he wrote about the corrupt practices of the Iraqi regime. Reporteur sans Frontieres concluded that Iraq's record on press freedom was extremely poor.

The Special Rapporteur reported that the Ministry of Culture and Information periodically holds meetings at which general guidelines for the press are provided. Foreign journalists must work from offices located within the ministry building and are accompanied everywhere they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with the populace. Many Western news services are represented in Baghdad by Iraqi staffers who are based in the Ministry of Information and Culture.

Several statutes and decrees suppress freedom of speech and of the press. These include Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high government officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba'ath Party.

Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with pro-regime propaganda to Kurdish regions; the Kurds routinely remove propaganda items from the books. In October 1997 the Minister of Education "warned these cliques that we hold them responsible" for altering the books.

The Government regularly jammed foreign news broadcasts (see Section 1.f.). In an effort to interdict further any foreign reports on Iraq, the Government also banned satellite dishes. The penalty for possessing a satellite dish reportedly is an indefinite term of imprisonment in solitary confinement and confiscation of all household effects.

In northern Iraq, many independent newspapers have appeared over the past 6 years, with a noticeable increase in 1998, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression, including criticism of the regional Iraqi Kurdish authorities, although most journalists are influenced or controlled by various political organizations.

The Government does not respect academic freedom and exercises strict control over academic publications. University staff are hired or fired depending on their support for the Government.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, however, the Government restricts this right in practice. Except in Kurdish-controlled northern areas, citizens may not assemble legally other than to express support for the regime. The Government regularly orchestrates crowds to demonstrate support for the regime and its policies through financial incentives for those who participate and threats of violence against those who do not.

The Constitution provides for freedom of association, but the Government restricts this right in practice. The Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. Several parties are specifically outlawed, and membership in them is a capital offense. A 1974 law prescribes the death penalty for anyone "infiltrating" the Ba'ath Party. In contrast, in Kurdish-controlled northern Iraq, numerous political parties and social and cultural organizations exist.

#### c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government severely limits this freedom. The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, and approves the publication of religious literature.

Although Shi'a Arabs, who constitute between 60 and 65 percent of the population, are the largest religious group, Sunni Arabs (who constitute only about 12 to 15 percent of the population) traditionally have dominated economic and political life. Despite legal protection of religious equality, the regime in recent years has repressed the Shi'a clergy and those who follow the Shi'a faith. Security forces have

desecrated Shi'a mosques and holy sites, particularly in the aftermath of the 1991 civil uprisings.

The following government restrictions on religious rights remained in effect throughout the year: A ban on the Muslim call to prayer in certain cities; a ban on the broadcast of Shi'a programs on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books; a ban on funeral processions other than those organized by the Government; and the prohibition of certain processions and public meetings commemorating Shi'a holy days.

The late Grand Ayatollah Abul Qasim Al-Khoei, formerly the highest ranking Iraqi Shi'a clergyman, died in government custody in 1992 (see Section 1.b.). The Government continued to harass and threaten members of the late Ayatollah Al-Khoei's family (see Sections 1.a. and 1.b.). The assassinations of two internationally-respected Shi'a clerics were widely attributed to government agents. In April Sheikh Borojourdi and two of his followers were killed in Najaf after finishing the collective Friday prayers. In June Ayatollah Ali al Gharawi, his son, and son-in-law were shot on the road from Karbala to Najaf. Neither religious leader was a political activist. The killings were apparently the result of the clerics' refusal to stop carrying out their religious duties, as dictated by the regime, and followed progressively harsh attacks against them. Borojourdi, for example, reportedly had been beaten by security forces in 1996. Subsequently, a hand grenade was thrown at him. In 1997 government agents reportedly threatened to kill him if he did not cease holding morning prayers and giving sermons at the Imam Ali Mosque in Najaf. A month before Gharawi's was killed, Shi'a sources reported that he had been harassed by government officials and warned to cease leading prayers.

The Government's initial claim that forces from outside Iraq perpetrated the attacks and its subsequent assertion that a gang led by Shi'a religious students killed the clerics to rob them were criticized by Shi'a authorities outside Iraq as transparent lies. In the aftermath of the killings, the Government stepped up repressive activities in the south and in other predominantly-Shi'a areas to prevent popular demonstrations. As part of this campaign, two Shi'a scholars in Baghdad, Sheikh Hussain Suwai'dawi and Shaikh Ali al Fraijawi reportedly were executed in July.

Shi'a sources also report that Ba'ath Party militia forces clashed with Shi'a pilgrims attempting to commemorate Ashora in May. The interference reportedly was to have been especially severe at Karbala, Basra, and the al Thawra district of Baghdad.

As far as is known, the security forces still were encamped in the shrine to Imam Ali at al-Najaf, one of Shi'a Islam's holiest sites, and the former Shi'a theological school in al-Najaf.

The Special Rapporteur and others reported that the Government has engaged in various abuses against the country's 350,000 Assyrian Christians. Most Assyrians traditionally live in the northern governorates, and the Government often has suspected them of "collaborating" with Kurds. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians (see Section 4). In October Assyrian sources reported that regional Iraqi Kurdish authorities refused to allow secondary school classes in the Assyrian language. However, details of the practice were not available and regional authorities denied engaging in this practice.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls the movement within the country of citizens and foreigners. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. Police checkpoints are common on major roads and highways.

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens are required to post collateral, which is refundable only upon their return. There are restrictions on the amount of currency that may be taken out of the country. Women are not permitted to travel outside the country alone; male relatives must escort them. Each student who wishes to travel abroad must provide a guarantor who is liable if the student fails to return. Students abroad who refuse to return are required to reimburse any of their expenses that were paid by the authorities.

The Government prohibits foreign travel by journalists, authors, and all employees of the Information Ministry. Security authorities interrogate all media employees, journalists, and writers who travel outside the country.

Foreign spouses of citizens who have resided in Iraq for 5 years (1 year for spouses of government employees) are required to apply for naturalization as Iraqi citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country--especially the children of Iraqi fathers and foreign-born mothers--from visiting the country of their other nationality.

The U.N. Secretary General estimates that there are more than half a million internally displaced persons remaining in the three northern provinces (Irbil, Dohuk, and Suleymaniyah), most having fled government controlled areas in early 1991 during the uprising that followed the Gulf War. In addition, the Government continued to pursue its discriminatory resettlement policies, including demolition of villages and forced relocation of ethnic Kurds, Turkomen, Assyrians, and other minorities. Human rights monitors reported that the Government continued to force Kurdish and Turkomen residents of Kirkuk to move to other areas in the north or to the south. In their place, ethnic Arab families were moved into this oil-rich city. Regional Kurdish authorities report that, during the year, 394 families were deported from Kirkuk and settled in Sulemaniyah Province. They calculate that since 1991 a total of 15,258 households (90,574 persons) have been displaced. According to the Special Rapporteur, many of these families still live in tent camps under extremely harsh conditions, which result in many deaths, particularly among the elderly and young children. These figures do not reflect the numbers of deportees who settled in southern Iraq, in the Irbil province, or elsewhere.

In April Amnesty International reported that 1,468 Iraqi Kurdish families were scheduled to be displaced from the Kirkuk area. In preparation for this, as in previous displacements, the Government reportedly had begun to arrest family members as hostages and to seize food ration cards to ensure that targeted families would not resist.

The Patriotic Union of Kurdistan (PUK) further documented these practices in a detailed report released in October. The PUK placed the recent expulsions in the context of a decades-long government effort to "Arabize" Kirkuk province and other areas. During this period, besides the direct, overt, and forced relocation of more than half a million Iraqi Kurds, the Government has denied non-Arabs employment opportunities in the civil service and the petroleum industry; reassigned Kurdish grade school teachers areas outside Kirkuk province; begun demolishing the 5,000 year-old Kurdish citadel of Kirkuk; and set up numerous military check-points to harass ethnic Kurds. The Government has changed the name of Kirkuk province to Ta'mim ("Nationalization") province.

Another motive for the expulsions may be simple theft. For example, dozens of farmers in al Kut province saw their land confiscated by order of the Ministry of Agriculture. The land reportedly was turned over to high-ranking officials of the security and intelligence services.

Typically, the displaced persons reported that they were given at most 1 week to leave, and that they often were not allowed to bring their belongings with them. In many cases, security officials reportedly seized food coupons issued to displaced persons under the U.N. "oil-for-food" program. Amnesty International has reported previously that family members, including children, are sometimes taken hostage by the Government to ensure that families do not resist the order to move (also see Sections 1.d., 1.f., and 5).

According to the Special Rapporteur, security forces continued to relocate Shi'a inhabitants of the southern marshes to major southern cities. Many have been transferred to detention centers and prisons in central Iraq, primarily in Baghdad, or even to northern cities like Kirkuk as part of the Government's attempt to "Arabize" traditionally non-Arab areas.

The Government does not provide first asylum or respect the rights of refugees. According to the United Nations High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves to northern Iraq in areas where the allied coalition has prohibited overflights by Iraqi aircraft.

In September Iraqi Kurdish officials agreed to begin returning to their rightful homes over 100,000 individuals displaced as a result of intra-Kurdish fighting in the three northern provinces.

Approximately 12,000 Turkish Kurds who have fled civil strife in southeastern Turkey remain in the north. The UNHCR is treating these displaced persons as refugees until it reaches an official determination of their status.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens do not have the right to change their government. Although the Government has taken steps to increase the perception of democracy, the political process still was controlled firmly by the State. The 1995 "referendum" on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a negative vote. A total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for electoral candidates; the candidates for the National Assembly, by law, must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Out of the 250 seats, 160 deputies reportedly belong to the Ba'ath Party, 60 are independent, and Saddam Hussein appointed 30 deputies to represent the northern provinces. According to the Special Rapporteur, the Ba'ath Party allegedly instructed a number of its members to run as nominally "independent" candidates.

Full political participation at the national level is confined to members of the Arab Ba'ath Socialist Party, estimated at about 8 percent of the population. The political system is dominated by the party, which governs through the Revolutionary Command Council (RCC), headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. It overshadows the National Assembly, which is completely subordinate to it and the executive branch.

The President wields decisive power over all instruments of government. Almost all important officials are either members of Saddam Hussein's family or are family allies from his home town of Tikrit.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death (see Section 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'ath Party; in practice the law is used to prohibit parties that do not support Saddam Hussein and the Government. New parties must be based in Baghdad and are prohibited from having any ethnic or religious character.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, as well as Kurdish, Assyrian, Turkomen, and other Iraqi communities. These political groups continued to attract support despite their illegal status.

Women and minorities are underrepresented in government and politics. The law provides for the election of women and minorities to the National Assembly, but they have only token representation.

In northern Iraq, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local government administrators were elected in 1992. This parliament last met in May 1995. In September the two major Kurdish parties agreed to hold new elections to include participation by other parties in July 1999.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Government does not permit the establishment of independent human rights organizations. Citizens have established several human rights groups abroad and in northern areas not under government control. Monitors from foreign and international human rights groups are not allowed in Iraq. The Government operates an official human rights group that routinely denies allegations of abuses.

As in previous years, the Government did not allow the U.N. Special Rapporteur to visit Iraq, nor did it respond to his requests for information. The Government continued to defy various calls from U.N. bodies to allow the Special Rapporteur to visit the southern marshes and other regions.

For the 6th consecutive year, the United Nations Human Rights Commission (UNHRC) called on the U.N. Secretary General to send human rights monitors to "help in the independent verification of reports on the human rights situation in Iraq." The U.N. Subcommission on Prevention of Discrimination and Protection of Minorities made a similar request. The Government continued to ignore these calls for the entry of monitors.

The Special Rapporteur nonetheless was able to gather more evidence, in part due to interviews with current and past government officials, which shed new light on the systemic nature of human rights violations. He dispatched members of his staff to Kuwait, Jordan, and other locations to interview victims of government human rights abuses.

The Government harassed and intimidated relief workers and U.N. personnel throughout the country, maintained a threat to arrest or kill relief workers in the north, and staged protests against U.N. offices in the capital (see Sections 1.g. and 2.a.).

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution and the legal system provide for some rights for women, children, and minorities. However, in practice the Government systematically violates these rights.

## Women

Domestic violence against women occurs but little is known about its extent. Such abuse customarily is addressed within the tightly knit family structure. There is no public discussion of the subject, and no statistics are published. Spousal violence constitutes grounds for divorce and criminal charges, but suits brought on these charges are believed to be rare. Men who kill female family members for "immoral deeds" may receive immunity from prosecution under a 1990 law (see Section 1.d.).

The Special Rapporteur has noted that there is an unusually high percentage of women in the Kurdish areas, purportedly caused by the disappearances of tens of thousands of Kurdish men during the Anfal Campaign. The Special Rapporteur has reported that the widows, daughters, and mothers of the Anfal Campaign victims are economically dependent on their relatives or villages because they may not inherit the property or assets of their missing family members.

Evidence concerning the Anfal Campaign indicates that the Government killed many women and children, including infants, by firing squads and in chemical attacks.

The Government claims that it is committed to equality for women, who make up about 20 percent of the work force. It has enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; to require education for girls; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine to what extent these protections are afforded in practice. However, reports indicate that the application of these laws has declined as Iraq's political and economic crisis persists. Women are not allowed to travel outside the country alone (see Section 2.d.).

## Children

No information is available on whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence pointing to the Government's continuing disregard for the rights and welfare of children. This may include government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

The Government's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There are widespread reports that food that should have been made available for the general public was in fact stockpiled in warehouses to replenish stocks held by the military. The Government management of the "oil-for-food" program did not take into account the special requirements of children ages 1 to 5, despite the U.N. Secretary General's specific injunction that the Government modify its implementation procedures to address the needs of this vulnerable group.

There were credible press reports that pharmaceutical supplies that should have been directed to sick children instead were exported or reexported for sale in Jordan, and that medicine and medical supplies that the Government stated was needed desperately by children had been delayed because of regime members' demands for bribes from suppliers. As a result, children other than those of regime supporters have been particularly susceptible. There are persistent, although unconfirmed, reports of heightened child-mortality in the southern provinces due to the Government's intentional maldistribution of

medicines. In April tons of contaminated beef were allegedly smuggled into Iraq at the direction of Saddam Hussein's son, Uday. The beef, which reportedly was purchased cheaply in Europe just prior to its scheduled destruction, reportedly was sold at inflated prices on the black market.

For the 5th year, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters and infantry tactics for children 10 to 15 years of age. Camps for these "Saddam Cubs" operated throughout the country, with 8,000 children participating in Baghdad alone. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of tough training for as long as 14 hours each day. Sources in the Iraqi opposition report that the army found it difficult to recruit enough children to fill all of the slots in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the grueling course.

#### People with Disabilities

No information is available on the Government's policy towards the disabled.

#### Religious Minorities

Iraq's cultural, religious, and linguistic diversity are not reflected in the country's political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse, ostensibly because of their opposition to the Government.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north (see Section 1.c.).

#### National/Racial/Ethnic Minorities

Kurds, who make up approximately 20 percent of the population, historically have suffered political and economic discrimination, despite the token presence of a small number of Kurds in the national Government (see Sections 1.a., 1.b., and 1.g.).

Assyrians are an ethnic group as well as a Christian community. They speak a distinct language--Syriac. Public instruction in Syriac, which was to have been allowed under a 1972 decree, has never been implemented (see Section 2.c.). Numerous reports indicated continued systemic discrimination against Assyrians throughout the year, especially in terms of forced movements from northern areas and repression of political rights there.

Multiple sources in the Turkomen community reported a brief outbreak of fighting between Turkomen and Iraqi Kurds in Irbil in August and September. The incidents apparently were related to Turkomen political and cultural activity with dozens of Turkomen offices temporarily closed by local Kurdish authorities. Turkomen and Kurdish officials disagreed about responsibility for the incidents. Kurdish officials claimed that they closed the Turkomen offices to prevent spontaneous violence. However, Turkomen sources claimed that the violence was instigated by the local Kurdish authorities. Initial reports that the clashes resulted in several deaths apparently were exaggerated and, by late October, the situation was calm.

Citizens considered by the Government to be of Iranian origin must carry special identification and often are precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin.

## **Section 6 Worker Rights**

### **a. The Right of Association**

Trade unions independent of government control do not exist. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a government-dominated trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'ath Party, which uses it to promote party principles and policies among union members.

Workers in private and mixed enterprises--but no public employees or workers in state enterprises--have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU.

The 1987 Labor Law restricts the right to strike. No strike has been reported over the past two decades. According to the International Confederation of Free Trade Unions, the severe restrictions on the right to strike include penal sanctions.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

### **b. The Right to Organize and Bargain Collectively**

The right to bargain collectively is not recognized. Salaries for public sector workers (the majority of the employed) are set by the Government. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, a failure that has been criticized repeatedly by the International Labor Organization's (ILO) Committee of Experts.

There are no export processing zones.

### **c. Prohibition of Forced or Compulsory Labor**

Compulsory labor theoretically is prohibited by law. However, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises accused of breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in Iraq have been prevented from terminating their employment to return to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available on forced and bonded labor by children.

### **d. Status of Child Labor Practices and Minimum Age for Employment**

The employment of children under age 14 is prohibited except in small-scale family enterprises. Children reportedly are encouraged increasingly to work in order to support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years

of age in a paramilitary training program (see Section 5). There is no information available on forced and bonded labor by children (see Section 6.c.).

e. Acceptable Conditions of Work

Theoretically, most workers in urban areas work a 6-day, 48-hour workweek. Hours for government employees are set by the head of each ministry. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors theoretically inspect private establishments, but enforcement varies widely. There is no information on workers' ability to remove themselves from work situation that endanger their health or safety, or on those who complain about such conditions.

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\* The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

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